

APPENDIX**Sent to Governor****(March 5, 1975)****S.C.R. 26****S.B. 39****THIRTY-FIRST DAY****(Thursday, March 6, 1975)**

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Creighton and Moore.

A quorum was announced present.

Pastor John W. Auer, St. Martin's Evangelical Lutheran Church, Austin, Texas, offered the invocation as follows:

Dear Father in heaven, we come today remembering all the blessings of life that You have given to us as a people and a nation.

We are especially mindful of Your gift of government that allows us to live together in peace and joy.

Bless those with whom You have invested the responsibility of government and guide the members of this Senate to a deeper appreciation of their place and calling as Your servants.

Bring joy and peace not only to those who labor here, but also to those whom they represent in the far corners of this great State.

Where there is hatred, bring love.

Where there is discord, bring harmony.

Where there is struggle, bring peace.

Where there is suffering, bring healing.

May all the accomplishments of this day's agenda be fulfilled for the enhancement of the lives of Your people and to the honor and glory of Your Name.

In the Name of Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Snelson.

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

REPORTS OF STANDING COMMITTEES

Senator Sherman submitted the following reports for the Committee on Natural Resources:

S.B. 229
S.B. 230
S.B. 231
S.B. 324

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

S.B. 298
H.B. 367
S.B. 172 (Amended)
S.B. 353 (Amended)
H.B. 509 (Amended)

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Clower:

S.B. 500, A bill to be entitled An Act relating to the purchase of utility services for the departments of state government; amending the State Purchasing Act of 1957, as amended (Article 664-3, Vernon's Texas Civil Statutes), by adding Section 5A; and declaring an emergency.

To Committee on State Affairs.

By Senator Santiesteban:

S.B. 547, A bill to be entitled An Act to facilitate the implementation of the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States, which entered into force April 18, 1972, and the American-Mexican Boundary Treaty Act of 1972, Public Law 92-549 (86 Stat. 1161), approved October 25, 1972, and the construction of works required under the Treaty and the Act, by authorizing the Governor of the State of Texas to grant to the United States of America title and rights of the State of Texas to those portions of the bed and banks of the Rio Grande as may be necessary or expedient to implement and for the construction of works under the provisions of the Treaty and Act, subject to certain reservations and conditions in favor of the State of Texas pertaining to the mineral interests in the bed and banks of the Rio Grande; and declaring an emergency.

To Committee on State Affairs.

By Senator Schwartz:

S.B. 549, A bill to be entitled An Act amending Subchapter B, Chapter 55, Texas Education Code by amending subsection (b) of Section 55.171, and adding subsections (c), (f), (g), and (h) to Section 55.171 relating to capital improvements and sites therefor in the Texas Medical Center in Houston for The Texas A&M University System in conjunction with Baylor College of Medicine to provide joint facilities for research and teaching the health professions; providing for the financing of same from general revenue and revenue bonds; authorizing the Board of Directors to accept grants and gifts; providing a severability clause; and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

S.B. 550, A bill to be entitled An Act relating to establishing and operating day care centers for certain children; establishing an Advisory Committee on Day Care Centers; and declaring an emergency.

To Committee on Human Resources.

By Senator Braecklein:

S.B. 551, A bill to be entitled An Act relating to the commitment to residential care facilities of mentally retarded inmates of the Department of Corrections and mentally retarded prisoners serving sentences in county jails; amending Article 46.01, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Braecklein:

S.B. 552, A bill to be entitled An Act relating to credit for military service for members of the Employees Retirement System of Texas; amending Subsection G, Section 4, Chapter 352, Acts of the 50th Legislature, 1947, as amended (Article 6228a, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on State Affairs.

By Senator Braecklein:

S.B. 553, A bill to be entitled An Act relating to pensions under the Texas County and District Retirement System, providing participating subdivisions of the system the authority to grant members of the system the right, under certain conditions, to apply for and receive retirement service credit for periods of military service during the time the United States was or is involved in organized conflict, for periods of military service for reasons of crisis within the United States, and within a period of 12 months thereafter; amending Paragraph (d), Subsection 11, Section 6, Chapter 127, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228g, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Ogg:

S.B. 554, A bill to be entitled An Act relating to the power of certain cities to acquire, construct, improve and equip any property for park purposes, including, but not by way of limitation: establishing, acquiring, leasing or contracting as lessee or lessor, purchasing, constructing, improving, enlarging, equipping, repairing, operating or maintaining (any or all) golf courses, clubhouses and pro shops, tennis courts and facilities, swimming pools, marinas, recreation centers, rugby fields, baseball fields, zoos, clarification lakes or pools, park transportation systems and equipment, theaters, bicycle trails, multipurpose shelters, service facilities, and any other recreational facilities, all or any (hereinafter the "Facility" or "Facilities") together with all necessary water, sewer and drainage facilities, and to establish, acquire, lease or contract as lessee or lessor, purchase, construct, improve, enlarge, equip, repair, operate

or maintain (any or all) structures, parking areas or parking facilities to be used in connection with such Facilities for parking or storage of motor vehicles or other conveyances, such leases and contracts to be on such terms as the city deems appropriate; authorizing such cities to enter into operating contracts as to said Facilities; and to finance said Facilities and improvements through the issuance of revenue bonds, which shall be deemed to be a "Security"; authorizing such cities to pledge to the payment of the operation and maintenance of any Facility or Facilities a continuing annual ad valorem tax; provided, that such taxes shall be within any Constitutional or charter limit and no part of such money shall ever be used for the payment of the interest on or principal of said revenue bonds; authorizing said cities to fix and collect fees, rentals, rates and charges for such Facilities and pledge all or any part of the revenues, income, receipts from such fees, rentals, rates and charges to the payment of such bonds and additionally to secure such bonds by mortgages or deeds of trust on any real property relating to the Facilities and by chattel mortgages, liens or security interests on any personal property appurtenant to such real property; authorizing the pledge to the payment of such bonds all or any part of any grant, donation, revenues or income received or to be received from the United States government or any other public or private source; authorizing the issuance of refunding bonds; making such revenue bonds legal and authorized investments; containing other provisions relating to the subject; providing that this act is cumulative of existing laws and takes precedence over inconsistent or conflicting laws and over all city charter provisions; providing a severability clause; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Ogg:

S.B. 555, A bill to be entitled An Act relating to the power of certain cities to acquire, construct, improve and equip any property for purposes of treating and conveying waste, including, but not by way of limitation: establishing, acquiring, leasing or contracting as lessee or lessor, purchasing, constructing, improving, enlarging, equipping, repairing, operating or maintaining (any or all) waste treatment facilities including plants, disposal fields, lagoons and areas devoted to sanitary land fills for the purposes of treating, neutralizing, stabilizing or disposal of waste, and sewer systems including pipelines, conduits, canals, pumping stations, force mains, and all other constructions, devices and appurtenant appliances used to transport waste (hereinafter the "Project" or "Projects") and to make such Project or Projects available to persons, firms or corporations by leases and other contracts, including installment sale agreements, such leases and contracts to be on such terms as the city deems appropriate; authorizing such cities to enter into operating contracts as to said Projects; and to finance said Projects and improvements through the issuance of revenue bonds, which shall be deemed to be a "Security"; authorizing such cities to pledge to the payment of the operation and maintenance of any Project or Projects a continuing annual ad valorem tax; provided, that such taxes shall be within any Constitutional or charter limit, no part of such money shall ever be used for the payment of the interest on or principal of said revenue bonds; authorizing said cities to fix and collect fees, purchase prices, rentals, rates and charges for such Projects and pledge all or any part of the revenues, income, receipts from such fees, purchase prices, rentals, rates and charges to the payment of such bonds and additionally to secure such bonds by mortgages or deeds of trust on any real property relating to the Project and by chattel mortgages, liens or security interests on any personal property appurtenant to such real property; authorizing the pledge to the payment of such bonds all or any part of any grant, donation, revenues or income received or to be received from the United States government or any other public or private source; authorizing the issuance of refunding bonds; making such revenue bonds legal and authorized investments; containing other provisions relating to the subject; providing that this act is cumulative of existing laws and takes precedence over inconsistent or conflicting laws

and over all city charter provisions; providing a severability clause; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Adams:

S.B. 556, A bill to be entitled An Act amending Section 88.103, Subchapter B, Chapter 88, Texas Education Code; and declaring an emergency.

To Committee on State Affairs.

By Senator Hance:

S.B. 557, A bill to be entitled An Act relating to the need for timely, regular and sufficient payment of wages to the citizens of the State of Texas, and to the powers, duties and functions of the Commissioner of the Texas Department of Labor in effectuating such payment, by amending Chapter 25, Acts of the 34th Legislature, Regular Session, 1915 as amended (Articles 5155, 5156, 5157, and 5158, Vernon's Revised Civil Statutes), and by adding Sections 1, 2, 4, 6, 7, 8, 9, 10, and 11, and declaring an emergency.

To Committee on State Affairs.

By Senators Lombardino, Kothmann and Traeger:

S.B. 558, A bill to be entitled An Act relating to payments in lieu of taxes by certain municipally owned gas and electric companies; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Aikin:

S.B. 559, A bill to be entitled An Act providing an emergency appropriation to the State Board of Education; setting a limit on expenditures; and declaring an emergency. (Submitted by Governor as an emergency.)

To Committee on Finance.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 6, 1975

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 72, In memory of The Honorable Hawkins Menefee.

H.C.R. 77, Commending Reverend C. L. Jackson for his dedication and devotion to the work of his ministry.

S.C.R. 27, Honoring Lyndon Baines Johnson High School on its formal dedication.

H.B. 226, A bill to be entitled An Act relating to county school administration; prohibiting state support for county school administrative offices after a date certain and expanding authority for local support of the administration; transferring certain powers, duties, records, and funds of certain county school administrative offices; reclassifying certain school districts under the supervision of county school administrative offices; amending Chapter 17, Texas Education Code, by adding

Subchapter G; and declaring an emergency.

H.B. 351, A bill to be entitled An Act amending Chapter 1, Subtitle 1, Title 79, Revised Civil Statutes of Texas, 1925 (Articles 5609-1.01 to 1.06, Vernon's Texas Civil Statutes), by adding thereto a new article to be identified and codified as Article 5069-1.07, providing for determination of the rate of interest on real estate loans and secured by a lien and authorizing refund or credit of excess interest charges in the event of premature termination of loans and relating to real estate loans of \$250,000 or more secured by a lien made by any person; containing a saving clause and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committees indicated:

H.B. 82, To Committee on Jurisprudence.
H.B. 139, To Committee on Jurisprudence.
H.B. 154, To Committee on Jurisprudence.
H.B. 199, To Committee on State Affairs.
H.B. 245, To Committee on Jurisprudence.
H.B. 333, To Committee on Economic Development.
H.B. 528, To Committee on Jurisprudence.
H.B. 627, To Committee on State Affairs.
H.B. 226, To Committee on Education.
H.B. 351, To Committee on Economic Development.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on State Affairs, Sub-Committee on Nominations:

Austin, Texas
March 6, 1975

TO THE SENATE OF THE SIXTY-FOURTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Industrial Commission: For a six-year term to expire February 15, 1981: Mr. James T. Hunt of Sonora, Concho County is being reappointed.

Respectfully submitted,
DOLPH BRISCOE
Governor of Texas

CO-AUTHOR OF SENATE BILL 106

On motion of Senator Ogg and by unanimous consent, Senator Mengden will be shown as Co-author of **S.B. 106**.

CO-AUTHOR OF SENATE BILL 278

On motion of Senator Snelson and by unanimous consent, Senator Hance will be shown as Co-author of **S.B. 278**.

CO-AUTHOR OF SENATE BILL 558

On motion of Senator Lombardino and by unanimous consent, Senator Kothmann will be shown as Co-author of **S.B. 558**.

SENATE RESOLUTION 171 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S.R. 171, Amending Senate Rule 77.

The resolution was read and was adopted.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE RESOLUTION 172 ON SECOND READING

On motion of Senator Schwartz and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S.R. 172, Amending Senate Rule 109.

The resolution was read and was adopted by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Harrington, McKinnon and Patman.

Absent-excused: Creighton and Moore.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolution:

H.C.R. 35**EXECUTIVE SESSION**

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday.)

Senator Schwartz moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 12, Nays 17.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Harrington, Longoria, Mauzy, Patman, Schwartz and Sherman.

Nays: Adams, Andujar, Farabee, Hance, Harris, Jones, Kothmann, Lombardino, McKinnon, McKnight, Meier, Mengden, Ogg, Santiesteban, Snelson, Traeger and Williams.

Absent-excused: Creighton and Moore.

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:12 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

On motion of Senator McKinnon and by unanimous consent, the nomination of Ford D. Albritton, Jr. to be a Member of the Coordinating Board, Texas College and University System was severed and returned to the Committee on State Affairs, Sub-Committee on Nominations.

The following nominees were then confirmed by the following vote: Yeas 29, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: Creighton and Moore.

NOMINEES CONFIRMED

Members, Texas College and University System Coordinating Board: For a six-year term to expire August 31, 1979: Mr. O. H. Elliott of Austin, Travis County is being reappointed; Doctor George V. Brindley, Jr. of Temple, Bell County is being reappointed; Mr. Fred Moore of Austin, Travis County is being reappointed; Mrs. Jess Hay of Dallas, Dallas County is replacing Mr. William H. McLean of Fort Worth whose term expired; Mr. Harold Herndon of San Antonio, Bexar County is replacing

Mr. Wales H. Madden, Jr. of Amarillo whose term expired; Mr. Tony Bonilla of Corpus Christi, Nueces County is replacing Mr. Walter W. Bassano, Jr. of Paris whose term expired.

Members, Bandera County River Authority: For a six-year term to expire January 31, 1981: Mr. Raymond Hicks of Bandera, Bandera County is replacing Mr. Edwin Vawter of Pipe Creek whose term expired; Mr. Timothy Stephen Tobin of Bandera, Bandera County is replacing Mr. Allie Allsup of Medina whose term expired; Mr. Paul Garrison, Sr. of Medina, Bandera County is being reappointed.

Members, Board of Directors of the Brazos River Authority: For a six-year term to expire February 1, 1979: Mr. Harry Moore of Navasota, Grimes County is being reappointed; Mr. W. C. Wiese, Jr. of Calvert, Robertson County is replacing Mr. A. Guy Crouch of Alvin whose term expired; Mr. Clint M. Walker of Tahoka, Lynn County is replacing Mr. Russell Bean of Lubbock whose term expired; Mr. Kermit Ashby of Plainview, Hale County is replacing Mr. Don McClatchy of Olney whose term expired; Mr. Lyndon Olson, Sr. of Waco, McLennan County is being reappointed; Mr. Billy Joe Wilson of Hamlin, Jones County is replacing Mr. Oxsheer Smith of Cameron whose term expired.

Canadian River Compact Commissioner: For a two-year term to expire December 31, 1975: Mr. William A. Clifford of Lubbock, Lubbock County is being reappointed.

Members, Board of Directors of the Coastal Industrial Water Authority: For a two-year term to expire March 31, 1975: Mr. James D. Dannenbaum of Houston, Harris County is being reappointed; Mr. Johnnie Glen Jennings of Baytown, Harris County is being reappointed.

Member, Board of Directors of the Evergreen Underground Water Conservation District: For a two-year term to expire January 13, 1977: Mr. Charles H. Freeman, Jr. of Pleasanton, Wilson County is being reappointed.

Members, Board of Directors of the Guadalupe-Blanco River Authority: For a six-year term to expire February 1, 1981: Mr. Preston Austin Stofer of Long Mott, Calhoun County is replacing Mr. Thomas A. Garner, Jr. of Port Lavaca whose term expired; Mr. H. Elliot Knox of New Braunfels, Comal County is being reappointed; Mr. A. C. Schwethelm of Comfort, Kendall County is replacing Mr. Arthur F. Leesch of Boerne, Kendall County whose term expired.

Members, Board of Directors of the Lavaca County Flood Control District No. 3: For a two-year term to expire January 1, 1975: Mr. Paul A. Najvar of Hallettsville, Lavaca County is being reappointed; Mr. Robert Joseph Pesek of Hallettsville, Lavaca County is being reappointed.

For a two-year term to expire January 1, 1976: Mr. Julius Bucek of Hallettsville, Lavaca County is replacing Mr. Edwin Bucek of Hallettsville who is deceased; Mr. Leon Louis Kahanek, Jr. of Hallettsville, Lavaca County is being reappointed; Mr. Alfred Neumeyer, Jr. of Hallettsville, Lavaca County is being reappointed;

For a two-year term to expire January 1, 1977: Mr. Robert J. Pesek of Hallettsville, Lavaca County is being reappointed; Mr. Paul A. Najvar of Hallettsville, Lavaca County is being reappointed.

Members, Board of Directors of the Lavaca-Navidad River Authority: For a six-year term to expire May 1, 1979: Mr. S. B. Allen of Edna, Jackson County is being

reappointed; Mr. Edwin H. Duenow of Lolita, Jackson County is being reappointed; Mr. A. Harrison Stafford of Edna, Jackson County is being reappointed.

Member, Lower Colorado River Authority: For a six-year term to expire January 1, 1975: Mr. Jake Strahan of Burnet, Burnet County is replacing Mr. W. D. Corder of Burnet who is deceased.

Members, Board of Directors of the Neches River Conservation District: For a six-year term to expire September 5, 1979: Mr. Rufus H. Duncan of Lufkin, Angelina County is being reappointed; Mr. Bob Bowman of Lufkin, Angelina County is being reappointed; Mr. Jack Flock of Tyler, Smith County is being reappointed.

Pecos River Compact Commissioner: For a two-year term to expire January 23, 1977: Mr. Russell B. McGowen, Jr. of Pecos, Reeves County is being reappointed.

Interstate Compact Commissioner for the Red River: For a four-year term to expire February 1, 1979: The Honorable Otha Frank Dent of Austin, Travis County is replacing Mr. Henry Deskins Wells of Wellington whose term expired.

Members, Board of Directors of the Red River Authority of Texas: For a six-year term to expire August 11, 1979: Mr. Jack Lovette of Bowie, Montague County is replacing Mr. Henry D. Field, Jr. of Saint Jo whose term expired; Mr. Harlan E. Hood of Estelline, Hall County is replacing Mr. Jim Beeson of Memphis who resigned; Mr. Tommy D. Carnahan of Hereford, Deaf Smith County is replacing Mr. Virgil E. Dodson of Hereford who resigned.

For a six-year term to expire August 11, 1975: Mr. Jim D. Hughes of Vernon, Wilbarger County is replacing Mr. William A. Bond of Vernon who resigned; Mr. Jim W. Sowell of Quanah, Hardeman County is replacing Mr. Walter C. Howard of Quanah who resigned.

Members, Rio Grande Valley Municipal Water Authority: For a two-year term to expire August 30, 1975: Mr. Richard Gutierrez of Rio Grande City, Starr County is replacing Mr. D. J. Lerma of Brownsville whose term expired; The Honorable Bill Rapp of Raymondville, Willacy County is being reappointed; Mr. Sam Risica of Edinburg, Hidalgo County is replacing Mr. Joe A. Besterio of Brownsville whose term expired; Mr. Nathan L. Winters of Edinburg, Hidalgo County is replacing Mr. Sam Risica of Edinburg who resigned; Mr. Omar Rodriguez of San Benito, Cameron County is replacing Mr. Morris S. Verner, III of Brownsville whose term expired.

For a two-year term to expire April 30, 1976: Dr. Charles F. Calderoni of Brownsville, Cameron County is replacing Mr. W. M. Bell of Donna whose term expired; Mr. James A. McAllen of Linn, Hidalgo County is replacing Mr. Colbert J. Glenn, Jr. of McAllen whose term expired; Mr. William F. Powell of Weslaco, Hidalgo County is replacing Mr. James A. McAllen of Linn who resigned; Mr. Paul G. Veale, Sr. of McAllen, Hidalgo County is being reappointed.

Members, Board of Directors of the Rio Grande Valley Pollution Control Authority: For a two-year term to expire April 30, 1976: Mr. Richard Roland of La Feria, Cameron County is replacing Mr. James V. Pace of Brownsville whose term expired; Mr. Jim Mathis of Edinburg, Hidalgo County is replacing Mr. Walter Plitt, Jr. of Brownsville whose term expired.

Members, Sabine River Authority of Texas: For a six-year term to expire July 6, 1979: Mr. Gus S. Morris of Greenville, Hunt County is being reappointed; Mr. Oscar N. Pederson of Kilgore, Gregg County is being reappointed.

For a six-year term to expire July 6, 1975: Mr. Benjamin B. Pegues of Mincola, Wood County is replacing Mr. Tom R. Pegues of Mineola who is deceased.

Member, Board of Directors of the San Antonio River Authority: For a six-year term to expire January 1, 1975: Mr. Hugh Halff, Jr. of San Antonio, Bexar County is replacing Mr. Thomas Gallagher of San Antonio who is deceased.

Members, Texas Board of Directors of the Trinity River Authority: For a six-year term to expire March 15, 1977: Mr. Robert Hardy of Huntsville, Walker County is replacing Mr. Arthur C. Spencer of Huntsville who resigned.

For a six-year term to expire March 15, 1979: Mr. A. W. Cullum, III of Dallas, Dallas County is replacing Mr. Ben Carpenter of Dallas whose term expired; Mr. Frank Barron of Fort Worth, Tarrant County is replacing Mr. Charles F. Hawn of Athens whose term expired; Mr. Guy C. Jackson, III of Anahuac, Chambers County is being reappointed; Mr. Amon G. Carter, Jr. of Fort Worth, Tarrant County is being reappointed; Mr. Jimmy Charles Payton of Euless, Tarrant County is replacing Mr. Amon G. Carter, Jr. of Fort Worth who resigned; Mr. Robert T. Mattox of Crockett, Houston County is replacing Mr. W. A. Storey of Crockett whose term expired; Mr. Donald F. Dean of Madisonville, Madison County is replacing Mr. A. R. Milentz, Jr. of Liberty whose term expired; Mr. B. C. Lively of Livingston, Polk County is replacing Mr. John C. McSpadden of Livingston whose term expired.

Members, Board of Directors of the Upper Colorado River Authority: For a six-year term to expire January 1, 1981: Mr. Jack Douthit of Sterling City, Sterling County is being reappointed; Mr. J. Dale Leddy of San Angelo, Tom Green County is being reappointed; Mr. M. Royce Lee of Bronte, Coke County is being reappointed.

Members, Upper Guadalupe River Authority: For a six-year term to expire January 1, 1980: Mr. Jasper Moore of Ingram, Kerr County is being reappointed; Mr. E. C. Parker, Jr. of Kerrville, Kerr County is being reappointed.

For a six-year term to expire November 1, 1980: Mr. Rex R. Kelly of Vanderpool, Kerr County is replacing Mr. Arthur J. Lochte of Kerrville whose term expired.

Member, Upper Neches River Municipal Water Authority: For a six-year term to expire January 1, 1981: Mr. John B. McDonald of Palestine, Anderson County is being reappointed.

COMMITTEE SUBSTITUTE SENATE BILL 28 ON SECOND READING

Senator Meier moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 28 be taken up for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: McKinnon and McKnight.

Absent-excused: Creighton and Moore.

The President laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. 28, A bill to be entitled An Act relating to non-profit legal service corporations, issuance of contracts for prepaid legal services, amending the Insurance Code and declaring an emergency.

The bill was read second time.

Senator Meier offered the following amendment to the bill:

Amend **C.S.S.B. 28** by striking the language in Section 2 at Line 54, Page 6, which reads as follows:

"and the issuance and service of such contracts shall be regulated in the same manner as general casualty insurance is regulated" and substituting in lieu thereof a period after the word "contracts" and adding the following sentence:

"Every insurer shall file with the State Board of Insurance the forms and rates applicable to pre-paid legal services contracts which shall be regulated as general casualty insurance."

The amendment was read and was adopted.

On motion of Senator Meier and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator McKinnon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 28 ON THIRD READING

Senator Meier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 28** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: McKinnon and McKnight.

Absent-excused: Creighton and Moore.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator McKinnon asked to be recorded as voting "Nay" on the final passage of the bill.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 40**SENATE CONCURRENT RESOLUTION 17 ON SECOND READING**

Senator Schwartz asked unanimous consent to suspend the regular order of business and take up S.C.R. 17 for consideration at this time.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up S.C.R. 17 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, Mauzy, Meier, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Brooks, Harris, McKinnon, McKnight, Mengden and Patman.

Absent-excused: Creighton and Moore.

The President laid before the Senate the following resolution:

S.C.R. 17, BE IT RESOLVED, By the Senate of the State of Texas, the House concurring, that the Joint Rules of the 63rd Legislature be and are hereby adopted as the Joint Rules of the 64th Legislature with the following changes:

Section 1. Rule 12 is amended to read as follows:

12. Each house shall hereafter refuse to accept, and shall not file, any bill which violates any of the following provisions:

(1) Any bill proposing a local or special law on which notice has not been published as required by Article III, Section 57, Constitution of Texas. Evidence of the publication of such notice must be attached to the bill at the time it is offered to the chief clerk for filing.

(2) Any bill which attempts to limit its application to a single county or part thereof by means of population brackets or other device ~~[device]~~, in lieu of identifying the county by name. This section does not preclude the filing and consideration of bills amending existing law which change the substance but not the application of the existing law.

(3) Any bill proposing a special law which is in violation of Article III, Section 56, Constitution of Texas.

A local bill is one which applies only to a single representative district, a single county, or a part of a single county, and the county or counties which are affected by such bill must be identified therein by name. A special bill is one which limits its effect to certain persons, areas, or transactions without being applicable generally to all

persons, areas, or transactions which logically fall within the same group or coverage of such law.

Sec. 2. A new rule to be numbered Rule 33 is inserted to read as follows:

33. Conference committees on resolutions proposing amendments to the Texas Constitution, like other conference committees, shall limit their discussions and actions to matters in disagreement between the two houses. The complicated and interrelated nature of amendments to the constitution makes necessary the relaxing of the strict rule of construction imposed on other conference committees, but only to the following extent:

1. If it develops in conference committee that material has been inadvertently included in or omitted from both the house and senate versions which properly should be included or omitted if the amendment is to achieve its purpose, such material may be included or omitted from the conference report, if no substantive change is made from the purpose of the amendment.

2. If it develops in conference committee that both the house and senate versions are in conflict with a bill or resolution that has been previously passed during the session by both houses and is to be submitted for approval at a statewide election, material may be added to or omitted from the conference report, but only to the extent necessary to overcome the conflict.

Sec. 3. Rule 33 is amended and renumbered Rule 34 as follows:

34 [33]. Limitations imposed on certain conference committees by the provisions of Joint Rules 28, 29, 30, 31, ~~and~~ 32, and 33 may be suspended in part, by permission of both houses, to enable consideration of and action on a specific matter or matters which otherwise would be in violation thereof. Such permission shall be granted only by concurrent resolutions passed by majority vote in each house, with yeas and nays thereon to be recorded in the journals of the respective houses. Such concurrent resolution shall specify in detail: (1) the exact nature of the matter or matters proposed to be considered, (2) the specific limitation or limitations to be suspended thereby, (3) the specific action contemplated by the conference committee thereon, and (4) the reasons why suspension of such limitations is being requested. Permission thus granted shall suspend such limitations only for the matter or matters clearly specified in the resolution, and action of the conference committee shall be in conformity therewith.

Sec. 4. Renumber all rules accordingly.

The resolution was read.

Senator Schwartz offered the following Committee Amendment to the resolution:

Amend S.C.R. 17 by inserting a new Section 4 to read as follows:

"Sec. 4. (a) Rule 14 is amended to read as follows:

"14. On calendar Wednesday and Thursday ~~[only]~~ of each week, House bills and House joint resolutions shall be taken up and considered in the Senate until disposed of; and in case a House bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday may be suspended by a two-thirds vote of the Senate to permit the continued consideration of such pending business.

"(b) Rule 16 is amended to read as follows:

"16. On calendar Wednesday and Thursday ~~[only]~~ of each week, Senate bills and Senate joint resolutions shall be taken up and considered in the House until disposed of; and in case a Senate bill should be pending at adjournment on Thursday, it shall go over to the succeeding calendar Wednesday as unfinished business; provided, however, this rule as to such pending business at adjournment on calendar Thursday

may be suspended by a two-thirds vote of the House to permit the continued consideration of such pending business." and renumbering the succeeding section accordingly.

The Committee Amendment was read and was adopted.

Senator Schwartz offered the following Committee Amendment to the resolution:

Amend S.C.R. 17 by adding the following as a new section following section 32 and appropriately renumbering the succeeding sections:

33. Conference committees on resolutions proposing amendments revising one or more articles of the Texas Constitution, unlike other conference committees, are not required to limit their actions to matters in disagreement between the two Houses. The complicated and interrelated nature of amendments revising one or more articles of the Constitution makes necessary the relaxing of limitations imposed on other conference committees, but only to the following extent:

1. The conference committee may change, alter, amend, or omit text which is not in disagreement.

2. The conference committee may add text which is not included in either the House or Senate version of the resolution, provided that the added text shall be on a subject which either was part of the original resolution or is part of the House or Senate version.

3. If it develops in conference committee that the resolution is in conflict with a bill or resolution that previously has been passed during the session and is to be submitted for approval at a statewide election, text may be changed, altered, or amended, or may be added to, or omitted from the conference report as necessary to overcome the conflict.

4. A conference committee report is not required to comply with Joint Rule 37 but must contain an explanation of text which is changed, altered, amended, omitted, or added by the conference committee.

5. A constitutional amendment contained in a conference committee report shall fail of adoption unless approved by the affirmative vote of two-thirds of the elected membership of each House. If a conference committee report contains more than one constitutional amendment and one or more of the amendments fail to receive the necessary two-thirds vote, the amendments that fail shall be returned to the conference committee for further discussion and action. Amendments receiving the affirmative vote of two-thirds of the elected membership of each House shall be considered finally passed, but may be recalled by the conference committee to assure consistency and uniformity among amendments. If recalled by the conference committee and changed, altered, or amended, a constitutional amendment shall no longer be considered finally passed and shall fail of adoption unless again approved by the affirmative vote of two-thirds of the elected membership of each House.

The Committee Amendment was read.

Question - Shall the Committee Amendment be adopted?

NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, March 10, 1975